

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Case No. 09-11893 (SMB)

**ORDER SCHEDULING HEARING ON BECKER & POLIAKOFF LLP MOTIONS TO
DISMISS AND MOTIONS TO DISMISS LISTED ON APPENDIX A TO THE
TRUSTEE'S FEBRUARY 20 LETTER TO THE COURT, AS AMENDED**

WHEREAS, on November 1, 2013, Becker & Poliakoff filed an omnibus memorandum of law in support of motions to dismiss on behalf of numerous defendants in 128 avoidance action adversary proceedings (the "B & P Defendants"); and

WHEREAS, on January 17, 2014, Irving H. Picard (the "Trustee") and the Securities Investor Protection Corporation ("SIPC") filed separate memoranda of law in opposition to the B & P Defendants' motions to dismiss;

WHEREAS, a hearing was held before the Court on February 14, 2014 (the "Hearing") to address the most efficient manner of litigating common legal issues and coordinating common and consolidated discovery in the hundreds of adversary proceedings pending before the Court; and

WHEREAS, the Trustee submitted a letter to the Court (ECF No. 5678) on February 20, 2014 (the "Trustee's Letter"), memorializing and providing the parties with notice of the Court's rulings made during the Hearing with respect to pending motions to dismiss in certain Bernard L.

Madoff Investment Securities LLC adversary proceedings set forth on Appendix A thereto (the “Adversary Proceedings”); and

WHEREAS, the Trustee filed an amended Appendix A on April 8, 2014 (ECF No. 6163); and

WHEREAS, on February 21, 2014, the Court entered the Case Management Order Regarding Certain Pending Motions to Dismiss (the “Case Management Order”) directing the Trustee to file one omnibus opposition to all pending motions to dismiss in the Adversary Proceedings on or before March 10, 2014; and

WHEREAS, the Case Management Order also directed all defendants subject to pending motions to dismiss in the Adversary Proceedings (the “Adversary Proceedings Defendants”) to file reply briefs on or before March 17, 2014; and

WHEREAS, the Case Management Order did not schedule a hearing date on the motions to dismiss in the Adversary Proceedings; and

WHEREAS, on March 4, 2014, this Court entered an order adjourning the B & P Defendants’ motions to dismiss *sine die* in order to schedule a single hearing to consider both the B & P Defendants’ motions to dismiss and the Adversary Proceeding Defendants’ motions to dismiss; now, therefore,

IT IS HEREBY:

ORDERED, that a hearing on the B & P Defendants’ motions to dismiss and the Adversary Proceeding Defendants’ motions to dismiss will be held before the undersigned bankruptcy judge at 10:00 a.m. on September 17, 2014 in Room 723 of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004; and it is further

ORDERED, that at the hearing, the Court will not hear arguments particular to specific motions to dismiss, such as lack of personal jurisdiction, improper service of process, or arguments under state-specific nonclaim statutes, and parties raising such arguments should confer with the Trustee and then this Court to obtain separate hearing dates for those arguments.

Dated: New York, New York
July 24, 2014

/s/ *Stuart M. Bernstein*

STUART M. BERNSTEIN
United States Bankruptcy Judge